

### **REMARKS**

The present Amendment is in response to the Office Action mailed June 19, 2009. Claims 1-26 are cancelled and new claims 27-45 are added. Claims 27-45 are now pending in view of the above amendments. Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks.

### **Examiner's Interview**

Applicants express their appreciation to the Examiner for conducting an interview with Applicants' representative on November 3, 2009. The Examiner agreed to issue a non-final action based on the new claims presented herein.

### **Claim Objections**

The Office Action objected to claims 6-7 and 19-23 as being of improper form because a multiple dependent claim cannot depend from any other multiple dependent claims. The objections are moot in light of the cancellation of claims 6-7 and 19-23.

### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

The Office Action rejected claims 10 and 16-18 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The objections are moot in light of the cancellation of claims 10 and 16-18.

### **Rejection Under 35 U.S.C. §102**

The Office Action rejected claims 1-4, 8-11, 13-18 and 24-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2001/0031072 (*Dobashi*). The rejection under § 102 is moot in light of the cancellation of claims 1-4, 8-11, 13-18 and 24-25.

Claim 27 emphasizes that the light which is used to illuminate a target face is an active infrared light and that an NIR facial image is sent to a data processing unit instead of a normal image. Furthermore, claim 27 recites a step of localizing a location of the face, like the eyes of the face and/or the whole area of the face.

Embodiments of the invention use a non-intrusive and user-friendly way of active lighting for face image acquisition and recognition because the NIR lights are in the invisible spectrum, which is friendly to the person being recognized. The special location of the face like eyes are localized in NIR face image(s) quickly and accurately by detecting specular highlight reflection in each eye, whereby the face is then localized.

*Dobashi* fails to disclose these aspects of claim 27. .

### **Rejection Under 35 U.S.C. § 103**

The Office Action rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Dobashi* in view of U.S. Patent Publication No. 2004/0081338 (*Takena*). The Office Action rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Dobashi* in view of U.S. Patent Publication No. 2005/0175218 (*Vertegaal*). The rejection under § 103 is moot in light of the cancellation of claims 5, 12, and 35.

### **CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated November 12, 2009.

Respectfully submitted,

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